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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,320	09/08/2003	Nicholas James Nissing	8652C	1187

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,320

Applicant(s)

NISSING, NICHOLAS JAMES

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 103(a) rejection of claims 1, 3, 5, 6, 8, 10, 12, 14 and 15 over Mowry, Jr. et al. (USPN 5,853,197) in view of Nigam (USPN 6,241,787) in the office action dated November 29, 2006 is withdrawn due to Applicant's amendments in the response dated January 22, 2007.

2. The 35 U.S.C. 103(a) rejection of claims 1, 3, 8 and 10 – 14 over Brugada (USPN 5,904,375) in view of Nigam (USPN 6,241,787) in the office action dated November 29, 2006 is withdrawn due to Applicant's amendments in the response dated January 22, 2007.

3. The 35 U.S.C. 103(a) rejection of claims 4, 7 and 9 over Mowry, Jr. et al. (USPN 5,853,197) in view of Nigam (USPN 6,241,787) and Harris (USPN 5,871,615) in the office action dated November 29, 2006 is withdrawn due to Applicant's amendments in the response dated January 22, 2007.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, 6, 8, 10, 12, 14, 15, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr. et al. (USPN 5,853,197) in view of Nigam (USPN 6,241,787).

Mowry, Jr. et al. disclose a printed substrate used as a security document having first and second outer surfaces, wherein the first surface includes indicia (Column 3, lines 49 – 52 and Figure 1). The printed indicia are composed of print elements such as dots and lines (Column 5, lines 46 – 49). As seen in Figures 1 and 2, the substrate includes a substrate color density (#40), a background color density (#52 or #22) and a print element color density (#58 or #26), where the background color density is greater than the substrate and less than the printed element color density (Column 6, lines 9 – 29). Due to the variation of the coverage of the printed matter of the background (Column 6, lines 9 – 29) the background has a ΔE of at least 10. The printed substrate is used for a variety of documents including checks, stock certificates and birth certificates (Column 1, lines 12 – 17) that are made from cellulosic material, which absorb liquids, thereby making the documents absorbent disposable paper products. Ink is provide in a variety of ways to the surface of the substrate (Figures 1 and 2) and in a variety of densities (Column 6, lines 23 – 25) which would allow for two solid print regions having a ratio of at least 1.15 (Figure 2, #60), a dot area ratio of at least 1.10 and a rub off ratio greater than 1.1. The documents are made using a process print as shown by the steps in Column 8, lines 1 – 38. With regard to the limitation of the color density being defined as $D = \log_{10} I/R$ where I is the intensity of the incident light and where R is the intensity of reflected light, it would be inherent the color

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density would meet the formula limitations since ink is provide in a variety of ways to the surface of the substrate (Figures 1 and 2) and in a variety of densities (Column 6, lines 23 – 25). However, Mowry , Jr. et al. fail to disclose a print enhancing fluid disposed on one of said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid and the absorbent paper product having a basis weight of from about 25 to 60 g/m².

Nigam teach a print enhancing fluid disposed on one of said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid (Abstract, lines 5 – 9) absorbent paper product having a basis weight of from about 25 to 60 g/m² (Column 11, lines 25 – 30) on a for the purpose of having bleed-resistant, water-resistant and/or enhanced chroma and hue printed images (Abstract, lines 9 – 13).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the print enhancing fluid in register with the print elements in Mowry, Jr. et al. in order to have bleed-resistant, water-resistant and/or enhanced chroma and hue printed images as taught by Nigam.

6. Claims 1, 3, 8, 10 – 14, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brugada (USPN 5,904,375) in view of Nigam (USPN 6,241,787).

Brugada discloses a printed substrate used as a security document having first and second outer surfaces, wherein the first surface includes imprinted backgrounds of micropattern of text or drawings with inks that include pigments (Column 2, lines 27 – 32). The micropattern is composed of print elements such as dots and lines (Column 2, lines 35 – 40). As seen in Figure 1, the substrate includes a substrate color density (#1) a background color density (#10) and a print element color density (#2), where the background color density is greater than the substrate and less than the printed element color density (Figure 1). Due to the distance between the dots of the background density (Column 2, lines 45 – 59), the background has a ΔE of at least 10. The printed substrate is a paper material (Column 1, line 9 and Column 4, lines 21 – 22), which is made from cellulosic material that absorbs liquid, thereby making the documents absorbent disposable paper products. As shown by Figure 1, the ink is comprised of two print regions that may have the same color and color density. Depending on the type of the ink used, hydrophilous versus non-absorbent (Column 4, lines 29 – 38), the ink may have a rub off ratio greater than 1.1. As shown by the method of making the document in Column 6, lines 8 – 44, the indicia comprise a process print. With regard to the limitation of the color density being defined as $D = \log_{10} I/R$ where I is the intensity of the incident light and where R is the intensity of reflected light, it would be inherent the color density would meet the formula limitations since the indicia comprise a process print (Column 6, lines 8 – 44) and different types of ink may be used (Column 4, lines 29 – 38). However, Brugada fails to disclose a print enhancing fluid disposed on one of said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid and the absorbent paper product having a basis weight of from about 25 to 60 g/m².

Nigam teach a print enhancing fluid disposed on one of said first or second outer surfaces wherein the indicia comprised of print elements is printed in register with at least of some of said print enhancing fluid (Abstract, lines 5 – 9) absorbent paper product having a basis weight of from about 25 to 60 g/m² (Column 11, lines 25 – 30) on a for the purpose of having bleed-resistant, water-resistant and/or enhanced chroma and hue printed images (Abstract, lines 9 – 13).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the print enhancing fluid in register with the print elements in Brugada in order to have bleed-resistant, water-resistant and/or enhanced chroma and hue printed images as taught by Nigam.

7. Claims 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr. et al. (USPN 5,853,197) in view of Nigam (USPN 6,241,787) as applied to claims 1, 3, 5, 6, 8, 10, 12, 14, 15, 16, 18 and 20 above, and further in view of Harris (USPN 5,871,615).

Mowry, Jr. et al., as modified with Nigam, disclose the claimed printed substrate used as a security document made with cellulosic material with different color densities for the substrate, background and print element color density except for the substrate being textured.

Harris teaches a security paper (Column 1, line 5) made from cellulosic material (Column 4, lines 34 – 35) that has been formed with a tactile (textured) surface profile during the

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manufacturing process (Column 2, lines 21 – 24) with a variety of inks that may be applied to the surface (Column 4, lines 3 – 4) for the purpose of forming a pattern on the paper that has excellent durability and a high degree of security due to the patterns intricacy that facilitates verification or authentication of documents printed on the paper (Column 2, lines 13 – 24).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the textured paper with intricate surface patterns in the modified Mowry, Jr. et al. in order to form forming a pattern on the paper that has excellent durability and a high degree of security due to the patterns intricacy that facilitates verification or authentication of documents printed on the paper as taught by Harris.

8. Claims 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr. et al. (USPN 5,853,197) in view of Nigam (USPN 6,241,787) as applied to claims 1, 3, 5, 6, 8, 10, 12, 14, 15, 16, 18 and 20 above, and further in view of Schleinz et al. (USPN 5,597,642).

Mowry, Jr. et al., as modified with Nigam, disclose the claimed absorbent disposable paper product with cellulosic material with different color densities for the substrate, background and print element color density except the absorbent disposable paper product being selected from the group consisting of paper towel, facial tissue, bath tissue, table napkins, wipes, diapers, incontinence garments, cotton pads and combinations thereof.

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Schleinz et al. teach an absorbent disposable paper product selected from diapers, incontinence products and training pants (Column 1, lines 16 – 18) made from a basis weight of from about 25 to 60 g/m² (Column 2, lines 45 – 48) that are being printed with a variety of designs (Column 2, lines 49 – 52) for the purpose of forming an article that does not contain undesirable effects which are not pleasing to a consumer (Column 2, lines 28 – 31).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the diapers, incontinence products and training pants as an absorbent article in the printing processes of the modified Mowry, Jr. et al. since the modified Mowry et al. discloses a material that overlaps the basis weight of Schleinz et al.

Response to Arguments

9. Applicant's arguments with respect to claims 1 and 3 – 21 have been considered but are moot in view of the new ground(s) of rejection. However, since the same prior art is being used in the above rejections, the argument will be responded to below.

In response to Applicant's argument that the background color density is not disclosed by Mowry as Applicant claims print elements as individual indicium, Applicant's specification states a “ “print element” refers to the individual indicium which comprises a print image (Paragraph 0028)” and a “ “background color density” refers to the color density surrounding each individual print element within the image area of the printed substrate” and “background color density may be greater than that of substrate color density and less than that of print

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element color density (Paragraph 0030)". Mowry discloses the substrate includes a substrate color density (#40), a background color density (#52 or #22) and a print element color density (#58 or #26) as shown in Figures 1 and 2, where the background color density is greater than the substrate and less than the printed element color density (Column 6, lines 9 – 29), wherein as defined by Applicant's specification, the elements #52 and 22 are a color density surrounding each individual print element within the image area of the printed substrate and elements #58 and 26 are print elements which comprise a print image.

With regard to the argument of neither Mowry nor Nigam teaching any range of the basis weight for the substrates, Nigam teach a absorbent paper product having a basis weight of from about 25 to 60 g/m² (Column 11, lines 25 – 30).

In response to Applicant's argument that neither Mowry nor Nigam fail to disclose the absorbent paper product being selected from the group consisting of paper towel, facial tissue, bath tissue, table napkins, wipes, diapers, incontinence garments, cotton pads and combinations thereof, please see the new rejection above.

In response to applicant's argument that Brugada and Mowry are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Brugada disclose the printed

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substrate is a paper material (Column 1, line 9 and Column 4, lines 21 – 22), which is made from cellulosic material that absorbs liquid, thereby making the documents absorbent disposable paper products. Mowry discloses a printed substrate is used for a variety of documents including checks, stock certificates and birth certificates (Column 1, lines 12 – 17) that are made from cellulosic material, which absorb liquids, thereby making the documents absorbent disposable paper products.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-

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1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln
/pln

Nasser Ahmad
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PRIMARY EXAMINER 2/26/07